

IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO

**JILL and NATHAN BRISCOE, as Husband and Wife,
1983 Sutter Parkway,
Dublin, OH 43016**

Plaintiff,

v.

Civil Action No.: 22-C-_____

Judge _____

**CVS PHARMACY, INC.,
c/o C T CORP, Registered Agent
1300 E 9th Street
Cleveland, OH 44114**

And

**1950 COLUMBUS OH LLC
c/o Vcorp AGENT SERVICE, INC.,
Registered Agent
4400 Easton Commons Way
Suite 125
Columbus, OH 43219**

Defendants.

COMPLAINT

NOW COMES the Plaintiffs, Jill, and Nathan Briscoe, as husband and wife, by counsel,
Nathan Colombo, who, for their complaint aver and allege the following:

JURISDICTION AND VENUE

1. Jill and Nathan Briscoe, husband, and wife, are residents of the State of Ohio and, at all relevant times, were living together as a family in Dublin, Franklin County, Ohio.
2. Defendant CVS Pharmacy, Inc. is a for-profit corporation organized under the laws of the state of Rhode Island. Defendant CVS has designated C T Corp, located at 1300 E 9th

Street, Cleveland, Ohio 44114 as its agent for service of process for the state of Ohio.

Defendant CVS also maintains numerous stores throughout the state of Ohio, including Columbus, Franklin County, Ohio.

3. Defendant 1950 Columbus OH, LLC is a domestic limited liability company organized under the laws of the state of Ohio. Defendant 1950 has designated VCORP Agent Service, located at 4400 Easton Commons Way, Suite 125, Columbus, Ohio 43219 as its agent for service of process. Defendant 1950 is the registered owner of the land on which the subject store owned by Defendant CVS is situated.
4. The incident that gives rise to this Civil Action occurred at a CVS Pharmacy, Inc. store located at 1950 Hard Road, Dublin, Franklin County, Ohio.
5. The claims set forth herein arose from the Defendants transacting of business in the State of Ohio and causing tortious injury in the state of Ohio.
6. Therefore, the Court of Common Pleas of Franklin County, Ohio, has appropriate jurisdiction and venue over this Civil Action pursuant to Rules 3(C)(7) and 4.3 of the Ohio Rules of Civil Procedure.

GENERAL ALLEGATIONS

7. All allegations and statements contained above are incorporated by reference as if restated herein verbatim.
8. Defendant CVS maintains a store located at 1950 Hard Road, Dublin, Franklin County, Ohio.
9. Defendant 1950 Columbus OH, LLC is the owner of the premises located at 1950 Hard Road, Dublin, Ohio.

10. At all relevant times, Defendant CVS, and Defendant 1950 Columbus OH, LLC (herein after referred to collectively as the “CVS Defendants”) owed a duty to maintain the premises it owned, operated, and invited guests upon in a reasonably safe manner.
11. On October 22, 2020, at approximately 3PM, Plaintiff Jill Briscoe visited the aforementioned CVS store with her young daughter to shop.
12. Upon parking in the store’s lot, Plaintiff exited her vehicle to proceed inside to the CVS store, put on a COVID-19 protective mask (per CVS store policy), and retrieved her young daughter from the rear seat of her vehicle.
13. Carrying her daughter and wearing her mask, Plaintiff Jill Briscoe proceeded towards the entrance of the CVS store.
14. As she approached the CVS store, Plaintiff stepped over a parking block situated near the store’s entrance.
15. As she stepped over the parking block, Plaintiff’s foot became caught on a bolt that had been allowed to protrude from the parking block, causing her to trip and fall forward while holding her young daughter.
16. Attempting to protect her daughter from the fall, Plaintiff stuck her hand out to catch herself against the exterior wall of the CVS store.
17. As the Plaintiff’s hand impacted the wall of the store, the force from the fall fractured the Plaintiff’s radius and ulna bones so severely as to send them ripping through the skin of her forearm, exposing muscle tissue and bone.
18. As a direct and proximate result of Defendants’ negligent maintenance of its parking lot, Plaintiffs suffered serious injuries and other damages.

COUNT I – NEGLIGENCE AS TO CVS DEFENDANTS

19. All allegations and statements contained above are incorporated by reference as if restated herein verbatim.
20. CVS Defendants were negligent in failing to maintain their parking lot and notify customers of the protruding parking block bolt, in violation of its duty of ordinary care as a place of business open to the general public.
21. CVS Defendants had a duty to maintain the premises with ordinary care and warn the general public of dangers and defects on the premises that customers cannot be reasonably expected to discover for themselves.
22. The purpose of duty of ordinary care is to prevent a person in the Plaintiff's position from sustaining an injury.
23. CVS Defendants breached this duty by allowing the subject protruding bolt to go unrepaired within its parking lot, an area Defendants know to be regularly trafficked by customers.
24. Plaintiff Jill Briscoe could not have been reasonably expected to see the protruding bolt without proper notice.
25. As a direct and proximate result of the CVS Defendants' negligence, Plaintiff Jill Briscoe was physically injured. Ms. Briscoe experienced pain, suffering, disability, and discomfort as a result of Defendants failure to repair, make safe, or otherwise warn of the bolt inappropriately protruding from the subject parking block.

COUNT II- LOSS OF CONSORTIUM AS TO NATHAN BRISCOE

26. All allegations and statements contained above are incorporated by reference as if restated herein verbatim.

27. At the time of the subject incident, Plaintiffs Jill and Nathan Briscoe were married.

28. To this date, the Plaintiffs continue to be married.

29. As a result of the wrongful and negligent conduct of the CVS Defendants, Plaintiff

Nathan Briscoe was caused to suffer, and will continue to suffer in the future, loss of consortium, loss of society, affections, assistance, and conjugal fellowship, all to the detriment of his marital relationship.

30. All injuries and damages were caused solely and proximately by the negligence of the CVS Defendants.

WHEREFORE Plaintiffs Jill and Nathan Briscoe request judgment against the CVS Defendants, including, but not limited to, damages caused by the conduct of the Defendants as follows:

All compensatory damages recoverable under Ohio Law, including, but not limited to:

- a. Past physical and emotional pain and suffering;
- b. Future physical and emotional pain and suffering;
- c. Past mental anguish, emotional distress, annoyance, and inconvenience;
- d. Future mental anguish, emotional distress, annoyance, and inconvenience;
- e. Past medical expenses;
- f. Future medical expenses;
- g. Past lost wages;
- h. Future lost wages;
- i. Past loss of enjoyment of life;
- j. Future loss of enjoyment of life;
- k. Loss of consortium;

and for any and all other relief to which Plaintiffs are entitled to by law, including but not limited to, pre- and post- judgment interest on all amounts, attorneys' fees, and other damages in an amount to be determined by the Jury upon proper proof presented at trial, and for such other relief as this Court deems proper.

A TRIAL BY JURY IS DEMANDED ON ALL ISSUES

**JILL and NATHAN BRISCOE,
By Counsel**

/s/ Nathan Colombo

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